

# SB1887



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1887

Introduced 1/10/2008, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-5

from Ch. 38, par. 3-5

Amends the Criminal Code of 1961. Provides that a prosecution for any offense involving sexual conduct or sexual penetration in which the DNA profile of the offender is obtained and entered into a DNA database within 10 years after the commission of the offense may be commenced at any time. Eliminates the requirement that the identity of the offender is unknown after a diligent investigation by law enforcement authorities. Provides that the victim must report the offense to law enforcement authorities within 3 (rather than 2) years after the commission of the offense unless a longer period for reporting the offense to law enforcement authorities is provided by law.

LRB095 15992 RLC 42005 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 3-5 as follows:

6 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

7 Sec. 3-5. General Limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to  
9 commit first degree murder, second degree murder, involuntary  
10 manslaughter, reckless homicide, leaving the scene of a motor  
11 vehicle accident involving death or personal injuries under  
12 Section 11-401 of the Illinois Vehicle Code, failing to give  
13 information and render aid under Section 11-403 of the Illinois  
14 Vehicle Code, concealment of homicidal death, treason, arson,  
15 aggravated arson, forgery, or (2) any offense involving sexual  
16 conduct or sexual penetration, as defined by Section 12-12 of  
17 this Code in which the DNA profile of the offender is obtained  
18 and entered into a DNA database within 10 years after the  
19 commission of the offense and the identity of the offender is  
20 unknown after a diligent investigation by law enforcement  
21 authorities, may be commenced at any time. Clause (2) of this  
22 subsection (a) applies if either: (i) the victim reported the  
23 offense to law enforcement authorities within 3 ~~2~~ years after

1 the commission of the offense unless a longer period for  
2 reporting the offense to law enforcement authorities is  
3 provided in Section 3-6 or (ii) the victim is murdered during  
4 the course of the offense or within 2 years after the  
5 commission of the offense.

6 (b) Unless the statute describing the offense provides  
7 otherwise, or the period of limitation is extended by Section  
8 3-6, a prosecution for any offense not designated in Subsection  
9 (a) must be commenced within 3 years after the commission of  
10 the offense if it is a felony, or within one year and 6 months  
11 after its commission if it is a misdemeanor.

12 (Source: P.A. 93-834, eff. 7-29-04; 94-487, eff. 11-9-05;  
13 94-683, eff. 11-9-05.)